The European Journal of International Law Vol. 36 no. 1

If the World Is a Family, What Kind of Family Is It?

Susan Marks[*]

Abstract

This Foreword is concerned with the trope that figures the world as a family. What ideas about the family inform, and are informed by, it? What effects does it have on the way global issues, relations and contexts are understood? In the course of exploring those questions, consideration is given, in turn, to evocations of the human family*, references to the* family of nations *and discussions of the need to take action for the sake of* our children*. The Foreword illustrates something of the variety of family types that have been mobilized in representations of the world as a family, and shows how the effects produced have been mixed. While familial language has a venerable place in emancipatory discourses, it also works to install a false notion of unity rooted in biological filiation that helps to preserve divisions, sustain hierarchies and promote depoliticized approaches to political problems.*

1 Introduction

On 1 December 2022 India assumed the G20 presidency, and adopted as the theme of its tenure *Vasudhaiva kutumbakam* or, in the English version, *One Earth, One Family, One Future*. I happened to be in the country during part of India's presidential year, and was confronted with that phrase on billboards, roundabouts, bus shelters, walls and painted pieces of corrugated iron absolutely everywhere I went. I later learned that what was being referenced is an old Sanskrit mantra, more commonly rendered in English as a statement along the lines *The world is one family.*[1]

[*] Professor of International Law, London School of Economics and Political Science, United Kingdom. Email: s.marks@lse.ac.uk. I would like to thank Barbara Listek, Sabina Popescu and Timon Milan Solár for their help with the research for this article.

[1] On this, see further below.

Inescapable as it was, this appeal to envision the world as a family led me to think about the take-up of such an idea in international discourses and thematics more generally. I was reminded of the Universal Declaration of Human Rights, with its opening recital referencing the 'equal and inalienable rights of all members of the human family'.[2] I was reminded of the Millennium Declaration of the UN General Assembly, in which the United Nations is characterized as the 'indispensable common house of the entire human family'.[3] I was reminded of the concept of the 'family of nations', so prominent in writings about the structure of world society before the UN era (and, in some contexts, subsequently). And, since with the term 'family' comes a whole cluster of other terms pointing to particular family relationships, I was also reminded of the statement in article 1 of the Universal Declaration of Human Rights that people should 'act towards one another in a spirit of brotherhood', and (just to give a few further examples) of the innumerable international texts that contain injunctions to consider the future of 'our children', to respect and protect 'mother earth' and to help preserve the global 'patrimony'.

What does it mean to represent the world as a family? To some of us, talk of the family will conjure up thoughts of security, constancy, intimacy and belonging. Our mental picture of the family will be of unconditional love, a place of nurturing and support, the people we can always turn to in times of need. In a heartless world, the family will be identified with our haven.[4] If we speak English, we may find it apt to observe on occasion that 'blood is thicker than water', by which we would intend that family loyalties are stronger and more dependable than other loyalties. Equally, when the situation warrants, we may remark that someone is a 'chip off the old block' – that is to say, they resemble their parents – and we may reflect that, very often, 'the apple does not fall far from the tree' – that is to say, children tend to follow in the path laid out by older family members. To represent the world as a family – so adages like these suggest – is to emphasize the unifying bonds, shared features and areas of mutuality and interdependence that bring people and nations together. It is to imbue the conceptualization of the world with feelings of comfort, solace, safety, stability, understanding, trust and love, and to connect that conceptualization with defining aspects and phases of human existence.

For others, of course, the family will evoke a very different set of associations. If your experience of family life is of violence, conflict, indifference, cruelty, servitude, betrayal and/or anguish, then the representation of the world as a family will seem far from benign. Sophie Lewis notes that 'the family is where most of the rape happens on this earth', along with 'most of the murder', and that '[n]o one is likelier to rob, bully, blackmail, manipulate, or hit you, or inflict unwanted touch, than family'.[5]

[2] See further below regarding the equivalent passage in languages other than English.

[3] United Nations Millennium Declaration, GA Res. 55/2, 8 September 2000, available at www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-millennium-declaration.

[4] See C. Lasch, *Haven in a Heartless World: The Family Beseiged* (1995).

[5] S. Lewis, *Abolish the Family: A Manifesto for Care and Liberation* (2022), at 9. On the work of Lewis and other family abolitionists, see further below.

[6] L. Tolstoy, *Anna Karenina*, translated by Rosamund Bartlett (2014), at 3.

[7] Lewis draws here on writing by Ursula Le Guin. See Lewis, *supra* note 5, at 10.

There is a famous line at the beginning of *Anna Karenina* where Tolstoy writes: 'All happy families are alike; each unhappy family is unhappy in its own way',[6] but Lewis wonders whether this should not be reversed.[7] As she sees it, '[s]o many families are extremely unhappy', and this 'unhappiness feels unique, because its structural character… is cunningly obscured from view'. 'What [then] if *unhappy* families are all alike… whereas happy ones are miraculous anomalies?'[8] Turning from great literature to the language of commercial advertising, Lewis recalls that it is a familiar marketing strategy to declare that hotel guests, retail customers and company personnel will be treated 'like family'. Again, however, she proposes that this 'ought to register as a horrible threat'. Instead, it registers as the promise of 'something quite… unfamilial. Namely: acceptance, solidarity' and an open offer of 'help, welcome and care'.[9]

It seems reasonable to suppose that, even at its best, the actual experience of being in a family may involve some fraught elements, linked to such phenomena as anxiety, guilt, sacrifice, frustration and repression. But we need to make a distinction between the actual experience of being in a family, on the one hand, and the idea of the family – what the family is held to signify, what it is imagined normally, properly and truly to be – on the other. It is the idea of the family that comes into play when the world is represented as a family. Given the obvious fact that practices of family life have varied tremendously over time, and remain ultra-diverse and ever-changing across the globe, how does that work? Whether we are interested in who counts as part of a family, which people qualify to be called aunt and uncle (or sister, brother, mother, father and cousin), which family relationships are considered important enough to have names in the first place, what roles and responsibilities the different members of a family are expected to assume or any other issue to do with the organization of family life, we will be confronted with the character of the family as a socio-historical artefact with a dizzying array of forms. Well, it belongs with the idea of the family to set all that aside, and put before us a family that is timeless, universal and self-evident.

In the pages to follow, I want to explore this trope that figures the world as a family. Where does it come from? How does it gain its power? What are in its implications and effects? Clearly, we are speaking of a metaphor – the world is not literally composed of a single family. Indeed, we are speaking of a metaphor that has a long and rich history of use for modelling associational life. Political theory, imperialist ideology and nationalist discourses of every stripe are replete with family metaphors, and most national anthems contain familial terms, inviting celebration of the beloved motherland or fatherland, the revered forefathers, the heroic brothers in arms and/or the day of glory which has arrived for the children of the nation.[10] But then, we know that metaphors are never just metaphors. Part of what is often hinted at in these songs is that, if citizens could trace their genealogy back to a distant enough time, they would eventually

[8] *Ibid.*, at 10–11 (emphasis in original).

[9] *Ibid.*, at 9 (ellipsis in original).

[10] See Lauenstein *et al.*, '"Oh Motherland I Pledge to Thee…": A Study into Nationalism, Gender and the Representation of an Imagined Family within National Anthems', 21(2) *Nations and Nationalism* (2015) 309, at especially 318–324.

[11] On this point, see *ibid.*, at 314.

find common ancestors, an originary ethno-nationalist family in the literal sense.[11] Scholars of metaphor inform us that metaphorical meaning is generated alongside the literal meaning of a word insofar as a 'principal subject' (or 'target concept') and a 'subsidiary subject' (or 'base concept') are put into relation, such that the principal subject (in our case, the world) is compared to, substituted by, analogised with or, at any rate, described in terms of the subsidiary subject (in our case, the family).

Viewed the other way around, features associated with the subsidiary subject are applied to the principal subject. To cite one influential account of metaphor from the 1950s by Max Black, the 'metaphor selects, emphasizes, suppresses, and organizes features of the principal subject by implying statements about it that normally apply to the subsidiary subject'.[12] In the process of doing so, however, it also, of course, selects, emphasizes, suppresses and organizes features of the *subsidiary* subject to make it suitable for this purpose. So when the world is represented as a family, that affects our understanding of the world, but it also affects our understanding of the family. As Maks Del Mar has written with reference to the use of metaphor in law, the idea that there are distinct principal and subsidiary subjects of a metaphorical expression may ultimately be 'misleading, for it encourages us to think that the traffic is one way, whereas our experience of metaphor, and part of the reason for it being valuable, is that it may involve the transformation of both terms'.[13] Both the metaphorical meaning and the literal meaning are engaged simultaneously and interactively. The main point to take from this is that we will not do justice to the trope that figures the world as a family unless we explore the conception of the (timeless, universal and self-evident) family that informs it. If the world is said to be a family, we must ask what kind of family it is said to be.

2 Divided into Families

Succeeding sections of this Foreword will take up particular instances of familial language, but I want to prepare the ground by first reviewing some perspectives on the family as an object of academic study and policy debate. As a start, we can note that the family is a topic in a wide range of literatures across fields of enquiry that include anthropology, sociology, law, history and psychoanalysis.[14] For early anthropologists, kinship was a central preoccupation. Research was undertaken to discover, with regard to particular societies, the rules governing relationships within a family, who could marry whom and how endogamy and exogamy were dealt with. In Lewis Henry Morgan's influential *Systems of Consanguinity and Affinity of the Human Family*, tables

[12] Black, 'Metaphor', 55 *Proceedings of the Aristotelian Society*, New Series (1954–1955) 273, at 291–292.

[13] Del Mar, 'Metaphor in International Law: Language, Imagination and Normative Inquiry', 86 *Nordic Journal of International Law* (2017) 170, at 171–172; see also M. Del Mar, *Artefacts of Legal Inquiry: The Value of Imagination in Adjudication* (2020), ch. 6.

[14] Literatures in other fields of enquiry, notably feminism and queer theory, will be discussed below.

[15] L. H. Morgan, *Systems of Consanguinity and Affinity of the Human Family* (1950), at 74 (first published in 1871).

containing data about kinship 'systems' were compiled and analysed, on the basis of which Morgan proposed a classification of the different systems from the least to the most 'advanced'.[15] More recent anthropological scholarship has rejected this idea of kinship as a series of systems that can be compared and ordered according to some evolutionary scheme, treating kinship instead as a domain of contingent social practice. Connectedly, more recent scholarship has called into question the notion, implicit in the earlier studies, that biological lineage, together with formal alliance by marriage, constitutes the invariant core of human kinship.[16]

Sociologists, for their part, have situated the family within broader dynamics to do with economy and society, and in relation to such processes as migration, urbanization and industrialization or deindustralization. Legal scholars have illuminated the role of lawmakers, judges and allied professionals in shaping family life, and in defining the rights and responsibilities of family members. Historians have provided insight into the causes and consequences of changes pertaining to the family, and into the changing lives of families in specific periods and locations. Researchers working in the Foucauldian tradition have especially foregrounded the complex and shifting contours of power as a dimension of the institution of the family. In *Disorderly Families*, Michel Foucault himself, writing with Arlette Farge, assembled documents that demonstrated the efforts of people in 18th-century France to resolve family discord by collaborating with the state to discipline wayward relatives.[17] As Foucault and Farge read them, these materials testify to an 'interlocking' of the institution of the family with the administrative apparatus of the state[18] – an interlocking that would later tighten and mutate to engender the biopolitical and disciplinary family form of modern times. Finally, Sigmund Freud's 'family romance' of the child, who, grappling with limits to the emotional availability of his parents, fantasizes that his real parents are not that couple, but rather a different and superior pair, gives the merest inkling of the enormous salience of the family in psychoanalytic theory (and practice).[19]

In parallel with these spheres of scholarly investigation, the family is plainly a perennial subject in the various everyday and more rarefied settings where deliberation occurs over public policy. One aspect of this is the prevalence, particularly in the United States, but also in other countries and in international forums, of appeals to 'family values', themselves narrated as a response to the 'crisis of the family'. Regarding the United States, Martha Minow reports that the notion that '"the family" is in crisis – and… someone should do something about it' goes back a very long way. 'Americans have worried about the family for over three hundred years', beginning with the 'Puritans [who decried] the fragility of marriage, the growing selfishness and irresponsibility of parents

16 On this, see further below.

17 A. Farge and M. Foucault, *Disorderly Families: Infamous Letters from the Bastille Archives*, translated by Thomas Scott-Railton (2016) (first published in French in 1982).

18 *Ibid.*, at 252.

19 See Freud, 'Family Romances', in S. Freud, *Collected Papers*, vol. 5, edited by James Strachey (1950) 74. (I keep to Freud's own evocation here of the boy-child.)

20 Minow, 'All in the Family & In All Families: Membership, Loving, and Owning', 95(2) *West Virginia Law Review* (1993) 275, at 278, citing A. Skolnick, *Embattled Paradise: The American Family in an Age of Uncertainty* (1991), at 8.

and the increasing rebelliousness of children'.[20] The present moral panic repeats the first colonists' concerns. High rates of divorce, liberal approaches to parenting and unruly children are counted among the contemporary signs that the family is in crisis. But it is well known that, in the discourse of family values, the focus extends much further than that, encompassing such additional themes of socially conservative disquiet as reproductive choice, gender non-conformity, same-sex love and marriage, single-parent families, adoption of children by people who are not in a heterosexual couple, sex education and reproductive technologies.

At international level, the promotion of family values has had notable prominence in the area of human rights. In 1948, the Universal Declaration of Human Rights proclaimed in article 16(3) that '[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the State', and, as Dianne Otto observes, this raised the stakes of a long struggle over 'which families are granted legibility, and therefore… humanity and the associated entitlements'.[21] Article 16(3) sits with other provisions of the Universal Declaration in which it is stated that: '[m]en and women of full age… have the right to marry and found a family' (article 16(1)); '[e]veryone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity' (article 23(3)); '[e]veryone has the right to a standard of living adequate for the health and well-being of himself and his family' (article 25(1)); and '[m]otherhood and childhood have the right to special care and assistance' (article 25(2)). Looking into the history of international family-values activism, Otto explains how these various provisions have been used to make the case for a 'natural' family as one that exists for the primary purpose of reproduction, and that is founded on heterosexual marriage between a male household head who is the breadwinner and a female partner who is allocated the role of caregiver.

That interpretation has always been controversial because of the specific vision it naturalises of what a family is and should be, and because of the way it excludes so many other family forms and arrangements. However, Otto traces an uptick in the controversy to a backlash against moves in the international system of human rights to redefine family relations on the basis of gender equality and a non-heteronormative understanding of sexuality. In this regard, she highlights the successive World Conferences organised by the United Nations on population (1994), women (1995) and HIV-AIDS (2001) as key venues for the development and consolidation of family-values activism. It seems that, at those conferences, an alliance made up of the Vatican, certain other religious organizations and a number of governments and regional groupings came together to defend the 'natural family' and uphold the values – which the alliance termed 'traditional values' – associated with it. In their book on the American Christian Right, Doris Buss and Didi Herman likewise emphasize the pivotal significance of the World Conferences of the 1990s and early 2000s,

[21] Otto, 'The Politics of Legibility: "The Family" in International Human Rights Law', in S. Chalmers and S. Pahuja (eds), *Routledge Handbook of International Law and the Humanities* (2021) 329.

[22] D. Buss and D. Herman, *Globalizing Family Values: The Christian Right in International Politics* (2003), at 44.

as also of the unofficial World Congresses of Families, in the rise of a global interfaith campaign waged in the name of family values.[22] The decades that followed saw this campaign taken to multiple international forums, among them the Human Rights Council, where resolutions have been repeatedly proposed and adopted under such rubrics as 'traditional values' and 'protection of the family'.[23]

What is going on here? Otto comments that '[i]t is not enough to reduce these clashes to a contest over women's equality in the family and the "naturalness" of same-sex relationships – important as those issues are'. Rather, '[w]e need to understand why only specific family forms are privileged and what larger governance and economic' aims this advances.[24] As she glosses the family-values activism, an 'important point of convergence between [the] disparate movements [comprising it] is their various commitments to national, cultural and racial homogeneity'. Each invests in patriarchal reproductive relations to secure the transmission of 'national loyalty', along with an ethos of self-reliance for wellbeing and care. Each gives coded expression to 'fears about homosexuality and gender fluidity' as threats to social cohesion and the 'moral and spiritual survival' of the state. In a manner reminiscent of earlier imperial state-building in which '[c]onjugal, monogamous, reproductive heterosexuality, closely associated with whiteness, was projected as the most civilised expression of the family', each links the 'contagion of gender ideology' with openness to 'immigration and refugee [admission]', and conversely identifies traditional values with a dedication to 'racial purity'.[25] Hence an argument made by Ladelle McWhorter with respect to the United States that family-values activism there carries forward in respectable language the spirit of the eugenicist programmes of former times.[26]

To gain a sense of the scope and breadth of debates about the family as an object of policy, we might complete this brief review by moving from advocacy for family values to the opposite end of the spectrum of family politics: advocacy for family abolition. Calls for the abolition of the family are a long-standing item on the radical agenda. Certainly, they by no means began as a riposte to family-values activism, even if, at the present moment, they are partly that. In the early 19th century, Charles Fourier wrote in favour of family abolition, and intimations of the idea can also be found in the work of previous thinkers. But perhaps the most renowned text to give voice to family abolitionism before the 20th century is *The Communist Manifesto*, in which Karl Marx and Friedrich Engels declare: 'Abolition of the family! Even the most radical flare up at this infamous proposal of the Communists.' Yet, they continue, '[o]n what foundation is the present family, the bourgeois family, based? On capital, on private gain'. They add that '[t]he bourgeois claptrap about the family… becomes all the more disgusting, the more, by the action of Modern Industry, all the family ties among the proletarians are torn asunder, and their children transformed into simple articles of commerce and

[23] See, e.g., HRC Res. 26/11, UN Doc. A/HRC/RES/26/11, 26 June 2014.
[24] Otto, *supra* note 21, at 337.
[25] *Ibid.*, at 337, 338.
[26] See L. McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (2009), especially ch. 6.
[27] K. Marx and F. Engels, *The Communist Manifesto*, edited by Jeffrey Isaac (2012), at 88–89 (first published in German in 1848).

instruments of labour'. Meanwhile, '[t]he bourgeois sees in his wife a mere instrument of production', and expects to have the proletarian's 'wives and daughters… at [his] disposal'.[27]

Three years prior to the publication of that text, the two authors had already touched on the question of what makes the family a site of exploitation from another angle. Seeking to elucidate 'the unequal distribution… of labour and its products', they proposed in *The German Ideology* that 'the nucleus, the first form, of [that inequality] lies in the family, where wife and children are the slaves of the husband', and that '[t]his latent slavery in the family … is the first property'. For, even at early stages of historical development, it 'corresponds perfectly to the definition of modern economists who call [property] the power of disposing of the labour-power of others'.[28] The work of elaborating on all this fell, famously, to Engels, whose *The Origin of the Family, Private Property and the State* appeared in 1884.[29] Unfortunately Engels placed heavy reliance on Morgan's anthropological research (using notes on it made by Marx),[30] and, for that and other reasons, his study offers a mixed resource to today's radicals.[31] Of enduring significance, however, is its way of bringing into focus the specificity of gender inequality in a capitalist society. 'Within the family', Engels writes, the husband 'is the bourgeois, and the wife represents the proletariat'. And just as liberation from 'the economic oppression burdening the proletariat' will occur only when the 'privileges of the capitalist class have been abolished', so too the liberation of the 'female sex… demands that the characteristic of the… family as the economic unit of society be abolished'.[32]

Twentieth-century family abolitionism was mostly led by feminist writers and activists, from Alexandra Kollontai in the 1920s to Shulamith Firestone in the 1960s and 1970s and (among others) Michèle Barrett and Mary McIntosh in the 1980s. *The Anti-Social Family*, by Barrett and McIntosh, lays out a sustained argument for recognizing the family as a deeply anti-social institution.[33] Written against the backdrop of a United Kingdom government headed by Margaret Thatcher, whose notorious later claim was that '[t]here is no such thing [as society]! There are individual men and women and there are families…',[34] the book argues that indeed British society is *'divided into* families, and indeed individualism and familialism go together. If the ideology of individualism promotes self-support, then 'the unit of self-support is… the family'.[35] For Barrett and McIntosh, the 'image of the family as a broken-down cart-horse' peddled by those who 'bemoan its crisis… is entirely misleading'. In fact, 'the

[28] K. Marx and F. Engels, *The German Ideology* (1998), at 52 (first published in German in 1845).
[29] F. Engels, *The Origin of the Family, Private Property and the State* (2010).
[30] See L. Krader (ed.), *The Ethnological Notebooks of Karl Marx* (1974), at 6. The main work summarized and annotated by Marx, and cited by Engels, is Lewis Henry Morgan's *Ancient Society* (1877).
[31] On this, see the excellent Introduction by Tristram Hunt in Engels, *supra* note 29, at 3.
[32] *Ibid.*, at 105.
[33] M. Barrett and M. McIntosh, *The Anti-Social Family* (2nd edn, 2015) (first published in 1982).
[34] M. Thatcher, Interview for *Woman's Own*, 23 September 1987, available at www.margaretthatcher.org/document/106689.
[35] Barrett and McIntosh, *supra* note 33, at 33 (emphasis in original), 34.
[36] *Ibid.*, at 20.

family remains a vigorous agency of class placement and an efficient mechanism for the creation and transmission of gender inequality'.[36] It also remains the privileged, and frequently the only, source of vital emotional and material sustenance. In view of that, the authors explain that, while their long-term goal is family abolition, they 'cannot demand the immediate abolition of an institution that [meets] real needs'.[37] But they do state clearly their belief that '[c]aring, sharing and loving would be more widespread if the family did not claim them for its own'.[38]

Sophie Lewis, whom I quoted earlier, agrees. One of a growing cohort of contemporary advocates for family abolition whose intellectual bearings come from Marxist and feminist thought, as well as queer theory, she portrays the family as 'a factory with a billion branches… [for manufacturing] "individuals" with a cultural, ethnic, and binary-gender identity; a class; and a racial consciousness'.[39] Like Barrett and McIntosh, Lewis does not underestimate the sustaining role which some families play in current conditions. She is also cognisant that it makes no sense to talk about abolishing the family in contexts where families are already being 'pre-abolished' by a genocidal power, or 'separated purposively from their kinfolk' in refugee detention.[40] So too, '[t]he black family has been [an important] site of political and cultural resistance to racism', and how 'would one expect LGBT people to sign up to an agenda' that deprives them of rights and opportunities which straight people have?[41] In common again with her precursors, Lewis does not intend by abolition summary erasure. She recalls that, when Marx and Engels spoke of abolition of the family in *The Communist Manifesto*, the German word they used was *Aufhebung* – a concept that, as she observes, 'unites the ideas of lifting up, destroying, preserving, and radically transforming', all at the same time.[42] To abolish the family may thus be to conjure out the 'utopian kernels' buried inside its exclusivities, tyrannies and, too often, miseries, so as to stimulate the emergence of new structures of 'care, interdependence, and belonging', linked to new practices of '[b]eing together as people'.[43]

3 The Human Family

I have so far been discussing the family in its literal meaning – though, interestingly, it is part of Barrett's and McIntosh's argument that, as evoked by its champions, the (literal) family is itself 'a metaphor for some private and public paradise lost'.[44] What then of the metaphorical family? For what is it a metaphor? I want now to begin our enquiry into the figurative representation of the world as a family, taking as our first case study the trope of the *human family*. As already mentioned, allusion to the

[37] *Ibid.*, at 95.
[38] *Ibid.*, at 56.
[39] Lewis, *supra* note 5, at 6.
[40] *Ibid.*, at 22–23
[41] *Ibid.*, at 28 (quoting Hazel Carby), 23.
[42] *Ibid.*, at 80.
[43] *Ibid.*, at 81–82, 88 (emphasis omitted).
[44] Barrett and McIntosh, *supra* note 33, at 23.

human family is a conspicuous feature of the universalist humanism given voice in the Universal Declaration of Human Rights. The very first paragraph of the preamble to the Declaration recites that 'recognition of the inherent dignity and of the equal and inalienable rights of *all members of the human family* is the foundation of freedom, justice and peace in the world' (emphasis added), and the very first substantive article reads: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another *in a spirit of brotherhood*' (emphasis again added). It seems that familial language was introduced into the Declaration by the French jurist René Cassin. A member of the UN Commission on Human Rights at the time when it was engaged in the negotiations that led to the Declaration, Cassin played a major role in shaping the text. In a further instance of family imagery, he is sometimes referred to as the 'father' of the Universal Declaration of Human Rights.[45]

Around the middle of 1947, Cassin was tasked with preparing an initial draft of the Declaration, based on a set of articles compiled by John Humphrey, the Canadian jurist who served as first director of the UN Division of Human Rights within the UN Secretariat. While Humphrey's material contained no reference either to the human family or to brotherhood, Cassin's draft declared in article 1: 'All men, being members of one family [*tous membres de la même famille*], are free, possess equal dignity and rights, and shall regard each other as brothers [*doivent se regarder comme des frères*].'[46] In the debates that followed, questions were raised about the gendered terminology of 'men' and 'brothers'. The Soviet representative to the Commission, Vladimir Koretsky, objected to this exclusion of 'one-half of the human species', to which the US representative and Commission chairperson, Eleanor Roosevelt, responded that it was 'customary to say "mankind" and mean both men and women without differentiation'.[47] Even so, Cassin's 'all men' ultimately became 'all human beings'. As for his 'brothers', a proposal by Begum Hamid Ali, the Indian representative to the Commission on the Status of Women which kept a watching brief on the drafting of the Declaration,[48] was accepted that the more abstract phrase 'in a spirit of brotherhood' should be used instead – though not without discussion of whether the reference should be to 'brotherhood and sisterhood'.[49] Cassin's draft also got reorganized, so that part of what he had put in article 1 got brought forward to the first preambular paragraph, and, in that process, his 'one family' (or 'all from the same family') became 'the human family'.

[45] See, e.g., M. Kopa, 'René Cassin – Father of the Universal Declaration of Human Rights', 22 January 2024, available at www.humanrightscentre.org/blog/rene-cassin-father-universal-declaration-human-rights.

[46] See Commission on Human Rights, Drafting Committee on an International Bill of Rights, First Session, Report of the Drafting Committee to the Commission on Human Rights, UN Doc. E/CN.4/21, 1 July 1947, at 51.

[47] See Commission on Human Rights, Drafting Committee, International Bill of Rights, First Session, Summary Record of the Thirteenth Session, UN Doc. E/CN.4/AC.1/SR.13, 20 June 1947, at 6–7.

[48] See Charlesworth, 'The Mid-Life Crisis of the Universal Declaration of Human Rights', 55(3) *Washington and Lee Law Review* (1998) 781, at 782.

[49] See Commission on the Status of Women, Second Session, Summary Record of the Ninth Meeting, UN Doc. E/CN.6/SR.28, 14 January 1948, at 5.

We can find some clues to what Cassin had in mind when he framed his draft article 1 in an earlier intervention in the negotiating debates, in which he argued that the eventual Declaration should incorporate three 'fundamental principles', namely: '1. the unity of the human race or family; 2. the idea that every human being has a right to be treated like every other human being; and 3. the concept of solidarity and fraternity among men.'[50] Of course, it is not a surprise that the drafter of a universal declaration of human rights after the terrible events of the War would insist on the principles of human unity, non-discrimination and worldwide solidarity. Nor is it a surprise that a Frenchman wishing to give weight to the virtues of fellowship and mutual support would choose to do so in the idiom of fraternity. Nonetheless, it is striking that, apart from the short exchanges I just mentioned to do with gender bias, Cassin's familial language, once revised, passed into the Declaration virtually without comment.[51] There was no discussion of what it might mean to figure humankind as a family, and of how such an expression might be heard. No questions were asked about whether, if human unity, non-discrimination and worldwide solidarity were to be the guiding principles, the metaphor of the family was a good vehicle for communicating that. This is a silence that has endured. Analysts of the Declaration appear to have conferred on the concept of the human family the quality of verbal wallpaper, too obvious and anodyne to be worthy of attention.

At around the same time as the Universal Declaration of Human Rights was coming into being, another project of a different sort was getting going in the United States. Edward Steichen was starting exploratory work for an exhibition of photography that would become, to this day, one of the most successful photographic exhibitions ever staged and the prototype for the blockbuster photography shows of subsequent decades. The title of the exhibition, which finally opened in 1955 at the Museum of Modern Art in New York, was *The Family of Man*. Steichen later told of how he originally planned to make 'human rights' the theme of the show, but because 'the subject of human rights was becoming a political football', he changed his mind. Then, leafing through a biography of Abraham Lincoln, he came across a speech in which Lincoln had used the phrase 'the family of man', and realized that that was what he wanted as his project's title and organizing concept.[52] It has been suggested that Steichen's actual source was more likely to have been a book-length poem composed by the author of the Lincoln biography – Steichen's brother-in-law, Carl Sandburg – in which Sandburg made extensive use of the imagery of 'the little Family of Man hugging the little ball of Earth' to celebrate the dignifying force of the American family at the time

[50] See Commission on Human Rights, Drafting Committee, First Session, Summary Record of the Second Session, UN Doc. E/CN.4/AC.1/SR.2, 13 June 1947, at 2.

[51] It should be noted that the reference to the human family in the Preamble to the Universal Declaration is not rendered in familial imagery in all languages. For example, in German the reference is instead to the *Gemeinschaft der Menschen*, the human community.

[52] See Berlier, 'The Family of Man: Readings of an Exhibition', in B. Brennen and H. Hardt (eds), *Picturing the Past: Media, History, and Photography* (1999) 206, at 212, citing E. Steichen, *A Life in Photography* (1963).

[53] See E. Sandeen, *Picturing an Exhibition: The Family of Man and 1950s America* (1995), at 43.

of the Great Depression.[53] Either way, Steichen replaced human rights with the family of man.

Yet that is not the end of the matter, for a large and still expanding literature has amassed about the exhibition, and among the contributions is an essay by Ariella Azoulay published in 2013, in which she characterizes *The Family of Man* as a 'visual proxy' for the Universal Declaration of Human Rights.[54] In effect, Azoulay's claim is that, despite Steichen's change of heart, the theme of his show was human rights after all. That assessment is no doubt open to debate but, at the least, it invites us to consider *The Family of Man* and the Universal Declaration's 'human family' side by side. For our purposes, it will certainly be instructive to dwell a little on the former, and perhaps the critical scrutiny to which it has been subject can serve to fill the gap that is critical engagement with the latter. Let me now describe something of the exhibition.[55] It displayed 503 photographs taken in 68 countries by 273 photographers, accompanied by short texts taken from a range of literary, philosophical and religious sources. Most of the photographers were American and European, and many of the photographs came from picture files, especially those of *Life* magazine, and from photographic agencies, such as Magnum. At a time before the display of photography in museums had become common, one aim was simply to demonstrate the significance and traction of the medium. Regarding the content of the exhibition, Steichen's idea was, as he put it, to 'express my own very firm belief that we are all alike on this earth, regardless of race or creed or color'.[56]

When visitors arrived, they were handed a guide to the show which explained that it had been 'conceived as a mirror of the universal elements and emotions in the everydayness of life – as a mirror of the essential oneness of mankind throughout the world'. To underline this, the guide reproduced a short poem by Sandburg: 'There is only one man in the world / and his name is All Men. / There is only one woman in the world / and her name is All Women. / There is only one child in the world / and the child's name is All Children.'[57] The show then proceeded in a series of sections designed to 'run the gamut of life from birth to death',[58] like a family album. A book based on the exhibition indicates much of what was there: images of men and women dating, kissing and getting married; images of childbirth, babies, children, mothers, fathers and family groups; images of work, leisure, study, mealtimes, music and dancing; images of old age, loneliness and death; images of hunger, compassion, religiosity, protest, justice, elections and war.[59] Not reproduced in the book is a colour transparency – the only colour photograph used – of the US government's hydrogen bomb blast at Bikini Atoll displayed in a darkened

[54] Azoulay, '"The Universal Family of Man": A Visual Universal Declaration of Human Rights', in T. Keenan and T. Zolghadr (eds), *The Human Snapshot* (2013) 19, at 20.

[55] A 'walk-through' description of the exhibition is given in Sandeen, *supra* note 53, at 46–49. For a detailed description, see also L. Corbus Bezner, *Photography and Politics in America: From the New Deal into the Cold War* (1999), ch. 3.

[56] Steichen, 'Photography: Witness and Recorder of Humanity', 41(3) *Wisconsin Magazine of History* (1958) 159, at 161.

[57] Texts reprinted in E. Steichen, *The Family of Man*, prologue by Carl Sandburg (1955), at 3, 5.

[58] *Ibid.*, at 3.

[59] *Ibid.*

room towards the end of the exhibition. That was followed by a collection of portraits of what appeared to be husbands and wives, each labelled 'We two form a multitude', and then a huge photograph of the chamber of the UN General Assembly. Just before the exit were multiple small photographs of children, with *The Walk to Paradise Garden*, W. Eugene Smith's depiction of his two children emerging out of a dark thicket of trees into the sunlight, as the show's closing picture.

Those final photographs suggest an evident narrative that spoke to fears of nuclear annihilation, and to the hopes for peace represented by the United Nations, and for a bright future personified by children. As a whole, however, the exhibition's repeated answer to Cold War and other fears was the family. In Steichen's words, '[w]herever you turned in the exhibition you saw… [families] and were reminded: "This is the root. The family unit is the root of the family of man, and we are all alike"'.[60] So the eponymous family of man worked at two levels. At one level, it was a metaphor in which humanity was redescribed as all one family, symbolized by the great family of nations convening as the UN General Assembly. At the other level, it was an invitation to repose faith in the family as that which could heal a fractured and dangerous world, and give security, tranquillity and stability to the people in it. Repose faith in *which* family? Allan Sekula is one of many analysts of the exhibition who have argued that it 'universalizes the bourgeois nuclear family' of the heterosexual married couple and their children.[61] For Sekula, although the *The Family of Man* 'exhibits… nostalgia for the extended family engaged in self-sufficient agrarian production', the overall thrust of the exhibition was to vindicate the nuclear family as the 'most advanced and efficient of [familial] forms', thanks to its clear-cut division between a male public and 'instrumental' role and a female domestic and 'expressive' role. This was not merely a social, but also an economic, message inasmuch as the celebration of the American middle-class, suburban-dwelling family 'as the exclusive arena of all desire and pleasure served to legitimate a family-based consumerism'.[62]

After the exhibition closed in New York, versions of it toured other US cities, and were then taken abroad within the framework of the cultural diplomacy programme of the (then) United States Information Agency.[63] Between 1955 and 1962, the show

[60] Steichen, *supra* note 56, at 164.

[61] Sekula, 'The Traffic in Photographs', 41(1) *Art Journal* (1981) 15, at 20. See also M.-E. Mélon, 'The Patriarchal Family: Domestic Ideology in *The Family of Man*', translated by Carol Hateley, in J. Back and V. Schmidt-Linsenhoff (eds), *The Family of Man 1955–2000* (2005) 57; and A. Solomon-Godeau, *Photography after Photography: Gender, Genre, History* (2017), ch. 3.

[62] Sekula, *supra* note 61, at 20.

[63] A later restructuring led to the abolition of this organization, once responsible for US public diplomacy in collaboration with the Department of State's missions abroad.

[64] In 1994, a permanent home for *The Family of Man* was established at Clervaux Castle in Luxembourg, the country of Steichen's birth. In 2003, the exhibition was inscribed in UNESCO's Memory of the World register.

[65] Of course, a photographic exhibition cannot be reduced to the ambitions of its curator. While I register that point below (see text at n. 154), the overall question of reception falls outside the scope of my discussion here. It should be noted that, in recent years, a revisionist literature on *The Family of Man* has emerged which seeks to bring that aspect into focus and, thereby, to challenge the negative tenor of much earlier critical engagement with the exhibition. See, e.g., Azoulay, *supra* note 54, and the essays by the editors in G. Hurm, A. Reitz and S. Zamir (eds), *The Family of Man Revisited: Photography in a Global Age* (2018).

was seen in 91 cities spread across every continent of the world.[64] In Paris, it was visited by Roland Barthes, who lent a sceptical eye to Steichen's ambition to present a mirror of the universal elements and emotions in the everydayness of life and the essential oneness of humankind throughout the world.[65] 'Everything here, the content and appeal of the pictures, the discourse which justifies them, aims to suppress the determining weight of History', Barthes wrote in a review later republished as part of his book *Mythologies*. 'True, children are *always* born', but in the overall context of the problems besetting humanity 'what does the "essence" of this process matter to us, compared to [the child's modes of being] which, as for them, are perfectly historical?'. The real issues are ['w]hether or not the child is born with ease or difficulty,… whether or not he is threatened by a high mortality rate, whether or not such and such a type of future is open to him: this is what [a photographic exhibition] should be telling people, instead of an eternal lyricism of birth'. Why not ask the mother of Emmett Till (a 14-year-old Black boy who was lynched in Mississippi in August 1955 and whose killers were acquitted by an all-white jury, only later to boast of the crime) what she thinks of the pretended unity of humankind, Barthes rhetorically enquired. Overall, his judgement was that *The Family of Man* made human actions 'look eternal the better to defuse' their political potency.[66]

In Guatemala City, the exhibition crates were transported by the United Fruit Company, which had recently played a role in the overthrow of the country's democratically elected government and the latter's replacement by a US-backed regime dedicated to 'defence against communism'. Commenting on this leg of the show's tour, Eric Sandeen proposes that 'Steichen's devotion to photographs of children – their special innocence, their propensity for play, their special purchase on the future – could be put in the context of American paternalism towards Guatemala, reinforcing the assumption that Guatemalans, being childlike, would easily fall prey to manipulation by the USSR'.[67] In Delhi and other Indian cities, visitors to the exhibition could see 13 images of their country, of which, as Alise Tīfentāle points out, seven 'explicitly [focused] on the suffering, the starving, the insane, the sick, and the dying' (most of the rest doing so more or less implicitly), and all but one (a film still from Satyajit Ray's *Pather Panchali* that broke the mould) were taken by non-Indian photographers.[68] In Johannesburg, *The Family of Man* was sponsored by the Coca-Cola Corporation, and

[66] R. Barthes, *Mythologies*, translated by Annette Lavers (2009), at 121–124 (emphasis in original) (first published in French in 1957). Barthes actually referred to Emmett Till's 'parents', but, as Eric Sandeen points out (Sandeen, 'The International Reception of *The Family of Man*', 29(4) *History of Photography* (2005) 344, at 349), the boy's mother was a single parent; his father had died by this time.

[67] Sandeen, '*The Family of Man* in Guatemala', 30(2) *Visual Studies* (2015) 123, at 128 (partly quoting Martha Cottam).

[68] A. Tīfentāle, 'The Family of Man: The Photography Exhibition That Everybody Loves to Hate', *FK*, 2 July 2018, available at https://fkmagazine.lv/2018/07/02/the-family-of-man-the-photography-exhibition-that-everybody-loves-to-hate/. See also Baskar, '"An Experience One Must Not Miss": *The Family of Man* and Modern Indian Photography', in R. Allana (ed.), *Unframed: Discovering Image Practices in South Asia* (2023) 311.

[69] See Garb, 'Rethinking Sekula from the Global South: Humanist Photography Revisited', 55 *Grey Room* (2014) 34, at 37.

visitors there were greeted at the entrance to the show by a large globe of the world encircled by Coke bottles. The site's refreshment kiosk offered the opportunity to purchase the drink, including in 'family-size' quantities suitable for those bringing their children.[69] Reflecting on this conjunction of family ideology, family-based consumption and the marketing of a sugary drink, Sekula remarks mordantly on how '[i]n the political landscape of apartheid, characterized by a brutal racial hierarchy of caloric intake and forced separation of black African families, sugar and familial sentiment were made to commingle to the imagination'.[70]

Of course, a US exercise in public anxiety management, Cold War cultural diplomacy and multinational Global-South marketing is an artefact of its time and place. It too should not be eternalized. Nonetheless, there is learning to be had here about the concept of the human family, of which students of international discourse would do well to take note. You can say that we are all alike, that there is only one man, woman and child, and they are all men, all women and all children. But you will only get so far by inspiring thoughts of mimetic identification,[71] and you will conceal from view pressing realities, in the face of which no amount of empathetic consciousness and familial re-dedication will do. One of *The Family of Man*'s earliest critics, Hilton Kramer, who reviewed the show for *Commentary* shortly after it closed in New York, suggested that part of the exhibition's appeal was that it 'relieved [viewers] of the need to think politically', providing them with a 'self-congratulatory means for obscuring the urgency of real problems under a blanket of ideology'.[72] As Barthes signalled, redacting racial hierarchies does not stop, but only invisibilizes, the suffering of those affected, and, as John Berger later maintained, 'treating the existing class-divided world as if it were a family' promotes complacency in the privileged rest.[73] But the issue is not just the consoling fiction of a unified humanity, in conjunction with the convenient misapprehension that private, individualized solutions can resolve public problems. To speak of the human family is also to speak of the family – and to do so in a way that relieves us of the need to think politically about the patriarchal, heteronormative family, still enduring as the paradigm of the family *tout court*.[74] More fundamentally, it relieves us of the need to think politically about this 'factory with a billion branches', still holding us in its thrall.[75]

4 The Family of Nations

As readers of this journal will know very well, the post-war instruments that evoke the human family by no means represent the first occurrences of family imagery in international discourse. There exists a long history of using the family as a reference

[70] Sekula, *supra* note 61, at 21.
[71] See further M. Hirsch, *Family Frames: Photography, Narrative and Postmemory* (1997), ch. 2.
[72] H. Kramer, 'On the Horizon: Exhibiting the Family of Man', *Commentary*, October 1955.
[73] J. Berger, *Understanding a Photograph* (2013), at 56 (first published in 1967).
[74] I paraphrase here Jay, 'Max Horkheimer and *The Family of Man*', in G. Hurm, A. Reitz and S. Zamir (eds), *The Family of Man Revisited: Photography in a Global Age* (2018) 57, at 62.
[75] See note 39 above.

point in world affairs, and I want now to give attention, as our second case study, to the older trope of the *family of nations*. While terms such as 'international community' and 'international system' are the more common designations today, from the end of the 18th century until the Second World War, the family of nations was the favoured concept for talking about states considered collectively.[76] It has been suggested that the idea of conceptualizing international society in this manner can be traced to Friedrich Schiller, who spoke at his inaugural lecture for the University of Jena in 1789 of how '[t]he European society of states seems transformed into a great family [*eine grosse Familie*]'.[77] In the work of scholars concerned with the organization of the world as a whole – which at the time meant those whose subject was international law – the concept became linked with the standard of civilization as the formal mechanism by which European states arrogated to themselves the right to grant or deny international status, delimit the application of international norms and, more generally, calibrate the rights and duties of sovereign statehood. As T.J. Lawrence put it in 1895, 'membership in the family of nations' is restricted to those who possess certain characteristics going beyond the basic marks of statehood. Notably, 'a certain degree of civilization is necessary, though it is difficult to define the exact amount'. He went on: 'To be received within [the family of nations] is to obtain a kind of international testimonial of good conduct and respectability.'[78]

Lassa Oppenheim provided perhaps the fullest account in English of the family of nations and its significance and history.[79] He informed readers that, '[f]or many hundreds of years, [the] community [of civilized states] has been called "Family of Nations"'.[80] Its members conclude treaties which, of course, bind 'the contracting parties solely', except 'when all members of the Family of Nations are parties', in which case 'universal International Law' is made.[81] He explained that international law was 'a product of Christian civilisation', but that, over time, it had been extended beyond Christendom, insofar as those 'States which have hitherto formed the Family of Nations' had consented to the 'reception of the new member'.[82] In the light of this progressive extension, Oppenheim proposed that states could be classified by their 'successive entrances… into the Family of Nations': first, there were the 'old Christian States of Western Europe', the 'original members of the Family of Nations'; next, there were the 'Christian States which grew up outside Europe' – the United States,

[76] On this, see Andersen and de Carvalho, 'The Family of Nations: Kinship as an International Ordering Principle in the Nineteenth Century', in K. Haugevik and I. Neumann (eds), *Kinship in International Relations* (2019) 21.

[77] Republished in English translation in von Schiller, 'The Nature and Value of Universal History: An Inaugural Lecture (1789)', 11(3) *History and Theory* (1972) 321, at 327. The German original, 'Was heißt und zu welchem Ende studiert man Universalgeschichte?', is available at https://de.wikisource.org/wiki/Was_hei%C3%9Ft_und_zu_welchem_Ende_studiert_man_Universalgeschichte%3F. For this claim, see Andersen and de Carvalho, *supra* note 76, at 31.

[78] T.J. Lawrence, *The Principles of International Law* (1895), at 58–59.

[79] L. Oppenheim, *International Law: A Treatise*, vol. 1: *Peace*, edited by Ronald Roxburgh (3rd edn, 1920) (first edition published in 1905).

[80] *Ibid.*, at 10.

[81] *Ibid.*, at 22 (emphasis omitted).

[82] *Ibid.*, at 31–32.

the former colonies of Latin America and Liberia; then, '[w]ith the reception of Turkey into the Family of Nations [through the Treaty of Paris of 1856] International Law ceased to be a law between Christian States solely'; finally, there was Japan ('[a]nother non-Christian member of the Family of Nations'), along with some more complicated or doubtful cases.[83] Regarding 'intercourse with and treatment of such States as are outside [this] circle', Oppenheim opined that 'Christian morality' should obviously be applied. But 'it is discretion, and not International Law, according to which the members of the Family of Nations deal with such States as still remain outside that family'.[84]

For all that, when applied to the world as a whole, the metaphor of the family gestures towards the potential (or, more recently, actual) inclusion of everyone in a single globe-spanning unit, these writings remind us that the family is an exclusionary way of configuring kinship. It is a mode of enclosure which, as Alva Gotby notes, involves a 'zero-sum' form of bonding grounded in 'scarcity and [the transmission of] property'.[85] In a moment, we will look further into the basis and consequences of exclusion from the family of nations. However, let us first consider briefly those classified as its original members, the nations that were its never-questioned *insiders*. Where they are concerned, the persistence of 'internal' exclusions should not be forgotten, including one which is of particular interest here inasmuch as it is bound up with family allegory. To bring that exclusion into focus, it is helpful to go back to earlier times. Carole Pateman's *The Sexual Contract* describes the birth of liberalism in Europe.[86] The great philosophers wrote of the establishment of a social contract that was to be the new basis of political right. But what these philosophers (and their successors) failed to mention is that the social contract was predicated upon a 'sexual contract'; in Pateman's words, '[c]ivil freedom presupposed patriarchal right'.[87] Whereas freedom was 'won by sons who cast off their natural subjection to their fathers and replaced paternal rule by civil government', for women this only meant that they were thenceforth 'subordinated to men *as men*, or to men as a fraternity'. So the 'original contract [constituted] both freedom and [its outside or excluded remainder,] domination'.[88]

Pateman observes that, for many centuries, the family, with the father at its head, had provided 'the model or the metaphor [in European thought] for power and authority relations of all kinds'.[89] In the debates surrounding the so-called Glorious Revolution of 17th-century England, Robert Filmer attempted to hold onto that notion, arguing that political power was a natural and ineradicably paternal phenomenon, founded

[83] *Ibid.*, at 33–36. With regard to Turkey, Oppenheim adds that 'her position as a member of the Family of Nations was anomalous, because her civilisation fell short of that of the Western States' (at 34).

[84] *Ibid.*, at 36–37. On the omission of that last sentence by Hersch Lauterpacht as a later editor of Oppenheim's work, see Simpson, 'Something to Do with States', in A. Orford and F. Hoffmann (eds), *The Oxford Handbook of the Theory of International Law* (2016) 564, at 575 (commenting that 'and yet, the discretion remains').

[85] A. Gotby, *They Call It Love: The Politics of Emotional Life* (2023), at 86–87.

[86] C. Pateman, *The Sexual Contract* (1988).

[87] *Ibid.*, at x.

[88] *Ibid.*, at 2–3. See also J. Flower MacCannell, *The Regime of the Brother: After the Patriarchy* (1991).

[89] Pateman, *supra* note 86, at 23.

on the procreative power of the father. As we know, the argument that won the day was instead John Locke's, according to which the basis of political power is not natural but conventional. Locke's story of the social contract tells of how 'the father is (metaphorically) killed by his sons, who transform (the paternal dimension of) the father's patriarchal right into civil government'. The point that Pateman wants us to grasp is that these 'men who defeat the father, claim their natural liberty and, victorious, make the original contract, are acting as brothers', and they seize 'both dimensions of the defeated father's political right' – both his paternal authority as a father and his 'conjugal right' as a husband with a wife.[90] She remarks that a 'very nice conjuring trick has been performed so that one kinship term, fraternity, is held to be merely a metaphor for the universal bonds of humankind, for community, solidarity or fellowship, while another kinship term, patriarchy, is held to stand for the [delegitimized and displaced] rule of fathers'.[91] Yet the political order that was installed should properly be understood as a 'fraternal patriarchy', in which conjugal- or 'sex-right [could] no longer be subsumed under the [political] power of fatherhood in the fashion of Filmer, and masculine right over women [came to be] declared non-political' – that is to say, private and domestic.[92]

Writing about the French Revolution of the succeeding century, Lynn Hunt discerns a somewhat similar pattern.[93] Her starting point is investment in familial allegory *per se* – the idea that, during these years, 'the French had a… collective political unconscious that was structured by narratives of family relations'.[94] The analysis she presents reveals those narratives of family relations to have been variable and ambiguous. To her mind, Pateman understates the extent to which the new dispensation opened up possibilities for posing new questions about women's civil status and finding new spaces for feminist activism.[95] Nonetheless, it is Hunt's interpretation of the historical record that, overall, the experience of the revolution was imaginatively organized or processed in terms which likened the beheading of Louis XVI to the killing of a father – the father of the people – and his replacement by a band of brothers. And while women certainly had high visibility in revolutionary iconography (as symbols of Liberty, Reason, Victory, etc.), she also interprets the historical record to show that the '[r]epublican ideal of virtue was based on a notion of fraternity between men, in which women were relegated to the realm of domesticity', their access blocked to that of public affairs.[96] Thus, for example, when Olympe de Gouges was sent to the guillotine in November 1793, she was denounced for transgressing 'the boundaries

[90] *Ibid.*, at 32, 78, 33 (emphasis omitted).
[91] *Ibid.*, at 78.
[92] *Ibid.*, at 3 (emphasis omitted), 90.
[93] Lynn Hunt, *The Family Romance of the French Revolution* (1992). Hunt connects her analysis in this book with the Freudian 'family romance' mentioned above. For a fascinating account of the 'family romance' in the history of French colonial relations, see also F. Vergès, *Monsters and Revolutionaries: Colonial Family Romance and Métissage* (1999) (concerning Reunion Island).
[94] Hunt, *supra* note 93, at xiii.
[95] See *ibid.*, at 202–203.
[96] *Ibid.*, at 122.
[97] *Ibid.*, at 120.
[98] *Ibid.*, at 23 (and, more generally, ch. 2).

of nature' and 'wanting to be a man of state'.[97] As Hunt retells it, this family narrative needs to be set in the context of destabilizing contestation in actual family relationships. Novels of the period depicted family conflict in which women and children challenged as 'bad fathers' those who behaved like 'obstinate tyrants' in the home.[98] At the same time, the 'image of the good mother, who knew her proper place within the family, seems to have successfully taken root in the late 1790s'.[99]

If we now return to the question of exclusion from the family of nations, it will appear that the same liberal tradition which rejected paternal authority and saluted the killing of the metaphorical father in parts of Europe asserted the pressing necessity of fatherly rule in European colonies. That the colonized were assimiliated to children in need of paternal direction was no hidden secret of liberal imperial ideology. Regarding India, Uday Mehta writes of how '[c]hildhood is a theme that runs through the writings of British liberals on India with unerring constancy'.[100] From James Mill's depiction of India as a land 'in the infancy of the "progress of civilization"', to Thomas Macaulay's call for the British to be like fathers who are at times 'just and unjust, moderate and rapacious', to the younger Mill's belief in British rule 'as a means of gradually training the people to walk alone', 'all coalesce around the same general point: India is a child for which the empire offers the prospect of legitimate and progressive parentage and toward which Britain, as a parent, is similarly obligated and competent'.[101] Mehta observes that this way of thinking drew on an understanding of parent–child relations with 'a distinguished pedigree', going again back to Locke.[102] For Locke, '[c]hildren are not born in [the] full state of equality [which applies to rational adults]. Their parents [and, as he later makes clear, especially their father] have a sort of rule and jurisdiction over them'. Against Filmer, Locke emphasized that this rule and this jurisdiction are 'temporary'.[103] They subsist only until the child reaches maturity and acquires the power of reason – the reason which is an implicit prerequisite of consent to the social contract. Until then, the father, or someone else appointed by him, 'must prescribe to [the child's] will, and regulate [the child's] actions'.[104]

Locke added that, although the temporary authority of a father over his child includes the 'power of commanding and chastising…, yet God hath woven into the principles of human nature such a tenderness [on the part of parents] for their off-spring' that there is little danger of paternal power being used to excess. One can expect 'no severer discipline than what [is] absolutely best for' the child, and would be 'less kindness to have slackened'.[105] Ashis Nandy characterizes this as 'the theory of progress as applied to the individual life-cycle', and proposes that '[m]uch of the pull of the ideology

[99] *Ibid.*, at 160.
[100] U. Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (1999), at 31.
[101] *Ibid.*, at 31–32 (where citations are given for these 19th-century pronouncements).
[102] *Ibid.*, at 31–32.
[103] Locke, 'Second Treatise of Government', in P. Laslett, ed., *Locke: Two Treatises of Government* (1988) 304.
[104] *Ibid.*, at 306–307.
[105] *Ibid.*, at 312.
[106] Ashis Nandy, 'Reconstructing Childhood: A Critique of the Ideology of Adulthood', *Alternatives* 10 (1984–1985) 359, at 360. See further A. Nandy, *The Intimate Enemy: Loss and Recovery of Self under Colonialism* (1983), especially 11–18, 55–56.

of colonialism… can be traced to the evolutionary implications of the concept of the child in the Western world-view'.[106] Citing Cecil Rhodes, who took a notoriously crisp view of the necessary tough love or cruel kindness a colonial 'father' should deploy ('[t]he native is to be treated as a child and denied franchise. We must adopt the system of despotism… in our relations with the barbarous of South Africa'), Nandy writes that he is 'unable to believe that this equation between childhood and barbarism was only a matter of racism'. As he explains, '[t]his statement [Rhodes's statement just quoted], I suspect, also conveyed a certain terror of childhood' – as though Rhodes 'sensed… that children could be dangerous'.[107] If children 'symbolize… a persistent, living, irrepressible, criticism' of 'adult' society, with its pretensions to rationality and justice, and its claims to maturity or – 'it comes to the same thing' – superiority; if they stand for the possibility of a 'new world' emerging from the destruction of the existent one, then Nandy's suggestion is that the 'colonial ideology required the savages to be children, but it also feared that the savages could be like children'.[108]

In common with all ideology, this imperial outlook was neither monolithic nor unchanging. It also had a material context. The bases of colonial abuses (the violence, as well as the structural subordination and exploitation) need, of course, to be sought in capitalist logics. However, the justification of those abuses is inseparable from race science, which took on a significant role in defining the boundaries of civilized humanity and, hence, of the family of nations. Indeed, Justin Desautels-Stein writes of the concept of the family of nations as a '[proxy] for the racialization of international society'.[109] Race science received a major fillip with the publication, in the decade of Rhodes's birth, of Darwin's *On the Origin of Species* but, by the middle years of the 20th century, it was becoming difficult to sustain and, in its stead, another justificatory science became briefly important in parts of the colonized world: ethno-psychiatry. Jock McCulloch has studied the work of John Carothers, who served as chief medical officer in charge of psychiatry in Nairobi from 1938 until 1951, and who went on to become the foremost British ethno-psychiatric expert, thanks to extensive publications on the subject of 'the African mind'.[110] Carothers was not the first researcher to describe something called 'the African mind' and assign specific pathologies, debilities and vulnerabilities to it, but McCulloch reports that, '[u]nlike previous researchers, Carothers was careful to attribute these qualities to… culture rather than to… race'. All the same, Carothers continued to 'characterize Africans as, in effect, delinquent children'.[111] By

[107] Nandy, *supra* note 106, at 360–361 (where a citation is given for Rhodes's statement).

[108] *Ibid.*, at 361. Regarding the point about maturity and superiority coming to the same thing, I adapt Nandy's text. He actually writes, conversely, of 'the frequent use of childhood as a design of cultural and political immaturity or, it comes to the same thing, inferiority' (at 360).

[109] J. Desautels-Stein, *The Right to Exclude: A Critical Race Approach to Sovereignty, Borders, and International Law* (2023), at 113.

[110] J. McCulloch, *Colonial Psychiatry and 'the African Mind'* (1995).

[111] *Ibid.*, at 52.

[112] *Ibid.*, at 68.

[113] A. McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (1995), at 234; see H. Rider Haggard, *King Solomon's Mines* (2007) (first published in 1885).

his analysis, African modes of thought were 'immature'; their traditional 'culture shaped a mentality… which in ways resembled that of the European child'.[112]

Anne McClintock reads Henry Rider Haggard's late-Victorian bestseller *King Solomon's Mines* as a dramatization of the theme of the 'white father at the head of the global Family of Man'.[113] Haggard was a contemporary of Rhodes in South Africa. A disappointing younger son at a time when landed families like his were anyway experiencing the disappointments of declining power in England, he was a man, as McClintock puts it, 'redeemed' in colonial service from 'failed filiation within the feudal family manor' at home. McClintock lays out a complex reading of *King Solomon's Mines*, in which racial and gender dynamics intertwine to associate legitimate political authority with white male power and, specifically, white patriarchy as the emblem of 'ultimate originary power' and restored familial control. Having regard both to Haggard's life and to his art, she shows how the 'figure of the paterfamilias was… embraced' in the colonial imagination 'at just that moment when it was withering in the European metropolis'.[114] At a later moment, the Mandates system of the League of Nations operated under the sign of that figure too, albeit that the emphasis was now on 'tutelage',[115] as distinct from despotism, and that two women – Anna Bugge-Wicksell and Valentine Dannevig, the Swedish diplomat and Norwegian educationist respectively who served as members of the Mandates Commission – co-led this exercise in imperialist paternalism.[116] Later still, when in 1949 the Commonwealth of Nations was constituted as a mechanism by which Britain could retain ties with newly independent India despite the latter's assumption of republican status, the paterfamilias was in evidence again. As we learn from Lyn Johnstone, British Prime Minister Clement Attlee was able to 'manoeuvre the figure of the King… from "an abstract symbol connoting authority"… into a father figure and effectively reinvent the family trope as a metaphor for unity'.[117]

In post-colonial times, and aside from the occasional reference to the family of nations in UN discourse, the Commonwealth is the context where, at least in English, the language of the family of nations is most often heard. It seems that the concept was

[114] McClintock, *supra* note 113, at 239–240.

[115] See Covenant of the League of Nations 1919, art. 22.

[116] On the work of these women in the Mandates system, see Pedersen, 'Metaphors of the Schoolroom: Women Working in the Mandates System of the League of Nations', 66 *History Workshop Journal* (2008) 188 (arguing that Anna Bugge-Wicksell and Valenine Dannevig used their inclusion in the Mandates Commssion to assert a 'feminized vision' [at 195] of 'native uplift and betterment, while joining with their colleagues in repressing all claims to self-determination' [at 192]).

[117] L. Johnstone, 'Rather a Special Family of Nations': Ideas of the Family in the Commonwealth and Africa' (2016) (PhD thesis on file at Royal Holloway, University of London), at 57. On post-colonial 'families of nations' generally, see Brysk, Parsons and Sandholtz, 'After Empire: National identity and Post-Colonial Families of Nations', 8(2) *European Journal of International Relations* (2002) 267 (tracing the history of the 'special relationships' formed by Spain, France and the United Kingdom with their former colonies). On the Commonwealth as a family, see also Eaton, '"We Are All Children of the Commonwealth": Political Myth, Metaphor and the Transnational Commonwealth "Family of Nations" in Brexit Discourse', 15 *British Politics* (2020) 326.

[118] Queen Elizabeth II, Christmas Broadcast (1952), quoted in Johnstone, *supra* note 117, at 59. (The subsequent history of Elizabeth II's own family may have led her to take a more complicated view of family life.)

held especially dear by the late Queen, who, in the first of her annual Christmas broadcasts, addressed the British nation with the following words: 'We belong, you and I, to a far larger family… the British Commonwealth and Empire, that immense union of nations, with their homes set in all four corners of the earth. Like our own families, it can be a great power for good.'[118] But if the Commonwealth and Empire were not just a family of nations but also a family of families, it is instructive to recall that, only two months before Elizabeth II made that speech, the British government had declared a state of emergency in Kenya, unleashing against the territory's freedom fighters the most ferocious violence at the hands of their enraged and unsparing 'father'.[119] Attlee's metaphor for unity was not a metaphor for equality any more than it was a metaphor for respect, reciprocity or non-violence. At bottom, it was a simple claim of monogenesis – the theory that we all descend from the same lineage, as opposed to the polygenist claim that different human groups originated in different species. All from the same lineage, but not, so Darwin and his successor scientists authorized the imperialists to believe, all at the same level of development. Not all with the same capacity for rule. As James Lorimer had it in reflections on the 19th-century family of nations, 'there is such a thing as political nonage'. To be sure, Lorimer said, non-white populations are 'children of the great human family'. 'Their childishness [may cut] them off from international rights only for a time; but whilst it subsists it cuts them off as effectually as the childishness of a… child cuts it off from municipal or political rights.'[120]

5 The Child as the Future

I have been discussing a model of familial relations in which children are objects of tutelage, grounds for paternalism and/or beings who need commanding and sometimes also chastizing for their own good. The theory of progress applied to the individual life cycle tells us that childhood is incompleteness, the not-yet-fully evolved and subsocialized past of the mature adult. Yet even as childhood may appear to evoke our developmental past, we know that it is equally used to symbolize our future. This is perhaps nowhere more evident than in the present-day discourses relating to climate change, where the constant refrain is of averting or limiting catastrophe for the sake of our children. Likewise, the image-making associated with climate change places children front and centre. At the COP26 climate summit in Glasgow, EU Vice-President Frans Timmermans is reported to have held up a photograph on his phone of a one-year-old child, declaring: 'If we fail, [my grandson] will fight with other human beings for water and food. That's the stark reality we face. So 1.5C is about avoiding a future for our children and grandchildren that is unliveable.'[121] As the third and final case

[119] John Carothers was commissioned by the colonial government in Kenya to report on those who took part in Mau Mau rebellion. See J. Carothers, *The Psychology of Mau Mau* (1955).

[120] J. Lorimer, *The Institues of the Law of Nations*, vol. 1 (1883), at 157.

[121] See F. Harvey *et al.*, 'Cop26 in Extra Time as Leaders Warn of the Deadly Cost of Failure', *The Guardian* (21 November 2021), referenced in Bertram, '"For You Will (Still) Be Here Tomorrow": The Many Lives of Intergenerational Equity', 12(1) *Transnational Environmental Law* (2023) 121, at 121–122.

study of my enquiry into the representation of the world as a family, I would like to dwell a little on this trope of the *child as the future*, or, in another common formulation, the child as the stand-in for future generations. Here, of course, we are in the realm not so much of metaphor as of metonymy. As with metaphor, metonymy involves substitution or the description of one thing in terms of another but, rather than being invited to compare or analogize, we are encouraged to notice association or contiguity. By definition, no-one can be in the future, but underpinning this trope is the idea that the child is somehow close to, or bordering on, the future; in 2020s parlance, the child is future-adjacent.

The point of foregounding the child in talk about climate change is obviously to highlight the urgency of the problem by bringing a phenomenon with long-range effects into the near-future. It is often remarked that analysts of environmental degradation, and especially those working with the concept of the Anthropocene, express interest in the linkage of two very disparate time-scales: geological deep time, on the one hand, and the changing social conditions that are the stuff of historical time, on the other. For Kyrre Kverndokk, however, the repeated references to children, and (as Timmermans's theatrical gesture at COP26 illustrates) grandchildren, introduce a third time-scale, which he calls 'experienceable time'.[122] Kverndokk observes that this notion of time has affinities with the old idea of posterity as that which 'comes after' or can be envisaged to carry forward present experience into the future. Evocations of children and grandchildren establish the foreshortened temporal horizon of experienceable time insofar as they articulate climate change with approaching generational succession and a 'vernacular experience-near notion of time [which] is organized in terms of family cycles'.[123] In that connection, Kverndokk alludes to yet another time-scale, the temporality which Tamara Haraven has termed 'family time'.[124] By this, she intends the socio-historically informed timing of events and transitions – transitions to new roles, relationships and routines – within a family. Family time sits somewhere between historical time, normally recounted as it is in chronologies of decades or centuries, and the 'individual time' which corresponds to the span of a single person's life. When climate change is discussed in family-timed terms, the 'expectations, hopes, dreams, and fears' that relate to later stages in the lives of those who are now young are made to press on us in the present.[125]

There are also other rationales for foregrounding the child in talk about climate change. It helps to mobilize action to address climate change by identifying inaction, or inadequate action, with irresponsibility. If the future prospects of children are at stake, responsible policy becomes an index of responsible parenting – or again (because

[122] Kverndokk, 'Talking About Your Generation: "Our Children" as a Trope in Climate Change Discourse', 50(1) *Ethnologia Europaea* (2020) 145, at 148.

[123] *Ibid.*, at 148–149.

[124] See Haraven, 'Family Time and Historical Time', 106(2) *Daedalus* (1977) 57.

[125] Kverndokk, *supra* note 122, at 149.

[126] J. Hansen, *Storms of My Grandchildren: The Truth About the Coming Climate Catastrophe and Our Last Chance to Save Humanity* (2009), at xii. This and other aspects of Hansen's book are discussed in Kverndokk, *supra* note 122, especially at 147–150. This aspect is also discussed in Johns-Putra, '"My Job Is to Take

so many of those making or influencing policy are old), grandparenting. In James Hansen's popular book about climate change, *Storms of My Grandchildren*, Hansen tells of how he wrote the book because he did not want his 'grandchildren, someday in the future, to look back and say, "Opa understood what was happening, but he did not make it clear"'.[126] As his title already hints, writing the book was an act of concerned and diligent grandparenthood. Hansen shares with many authors in this field a tendency to blur the distinction between figurative intimations of responsible parenting and the literal situation of elders in a family. But the same logic informs the impersonal register of official documents, including treaties and other international instruments. The UN Framework Convention on Climate Change is one of many treaties which advertise the 'determination' of the states parties to 'protect the climate system [or to combat desertification, safeguard biodiversity, reduce carbon emissions, etc.] for present and future generations'.[127] Perhaps correlated to that earnest of grown-up responsibility-taking, a further advantage to foregrounding the child in this context is that it seems to promote optimism. According to a centuries-old strand of thought, childhood is associated with innocence, purity and uncorrupted nature. To put children at the centre of climate-change discourse is to evoke the possibility of reversing the corruption of our world, stepping out from the darkness of global warming and – like the children in W. Eugene Smith's photograph – regaining 'paradise garden', where we can be carefree and joyful once again.

It is no surprise, then, that the trope of the child has proved attractive to those engaged in climate-change activism and norm-setting. Yet we need to pause over this way of framing things. For when the implications and effects of recourse to it are more deeply probed, it may come to appear too glib. Among those who have reached that conclusion is Stephen Humphreys, who argues that the emphasis on the child as the symbol of future generations is problematic for three interrelated reasons.[128] First, it sets up a false solidarity between more and less affluent parts of the world. Personal references, such as those by Timmermans and Hansen, to a speaker's own ('my') children or grandchildren slide habitually into sweeping collective abstractions expressed in the first-person plural, seemingly with the aim of conveying that 'we' and 'our children' – the entire adult population of the world, along with the entire population of young people whose future it is looking to secure – are 'all in it together'. As Humphreys observes, this papers over profound 'differences of interest and perspective'. Anchoring policy in concern for children as the symbols of the future tends to put the stress on strategies of mitigation. After all, 'what future generations deserve, it is said, is a world as little altered as possible… from the one present generations have known'. But ongoing dependence on fossil fuels means that, unless some affordable alternative is quickly made available, the implementation of mitigation policy 'will ensure that poverty and inequality calcify and extend' – a situation compounded by the burden of adaptation in unevenly affected countries, regions

Care of You": Climate Change, Humanity, and Cormac McCarthy's *The Road*', 62(3) *Modern Fiction Studies* (2016) 519, at 523.

[127] See United Nations Framework Convention on Climate Change 1992, Preamble.

[128] Humphreys, 'Against Future Generations', 33(4) *European Journal of International Law* (2023) 1061.

[129] *Ibid.*, at 1075, 1063, 1067, 1083, 1069.

and communities. A recurrent theme is that everyone must make sacrifices for the sake of future generations, but Humphreys wants us to appreciate the reality that, in this kind of talk, 'one group's sacrifice (ours, of our lifestyles, here in the planet's wealthier corners)' is prioritized over 'another's (theirs, of their aspirations, there in "emerging markets"), both now and in the future'.[129]

Secondly, this way of speaking also deflects attention from responsibility for harm already sustained. As Humphreys notes, the 'lines of responsibility and corresponding sacrifice run from deep in the past'. Encompassed within what has already been involuntarily sacrificed are the morbidities and deaths, the lost livelihoods, the lost natural habitats and the species extinctions, the bad air, bad water and bad land – all 'the daily due of the onward march of climate change… [as it] has surged forward across two centuries'. Insofar as that vast toll of destruction is 'reframed euphemistically as "loss and damage"', the resistance of wealthy countries to providing compensation finds succour in a discourse that keeps the international gaze fixed firmly on the future, discounting 'past responsibility in favour of future responsibility'.[130] Humphreys's third reason for wondering about this future-oriented discourse is that not only does it prioritize the rich world's sacrifices over the poorer world's, and not only does it discount responsibility for past harm in favour of responsibility for future harm, it also, contradictorily, 'abjures' the duty to deal with climate change 'in the same gesture' by which it professes a determination to accept and act on that duty. For within this 'amorphous fictional arena in which a notional motley "we" is produced as agent and assigned a full plenary power… to act for an equally notional "them"', responsibility is redirected beyond known issues in the here-and-now – adaptation, technology transfer, climate conflict, climate migration, loss and damage – into the speculative future. And so it is made to seem that immensely consequential emergent and continuing impacts which are not in the future, not even in the near- or experienceable-timed future, but in the highly actual and readily knowable present, 'are not in themselves a sufficient motive for… action'.[131]

Media coverage of COP28 in Dubai showed children holding up a banner with 'Save the World!' printed on it in primary-coloured lettering.[132] That familiar idea that climate-change action is a project of salvation undertaken with children at the forefront of our minds is the starting point for a critique by Rebekah Sheldon of what she terms 'the child to come'.[133] The child to come is 'the child as resource', the child put to literal and figurative use in discussions about the future.[134] To speak of use as a resource is not to adopt a standpoint which excludes or ignores the agency, and indeed the effective self-organized activism, of children themselves; the child to come is not only the child for whom the world is to be saved, but also the Fridays-for-Future, banner-carrying child who helps to do the saving. In accounting for the salvationary

[130] *Ibid.*, at 1091, 1083, 1084, 1074.
[131] *Ibid.*, at 1069, 1068.
[132] Image reproduced in SDG Knowledge Hub, 2023 UN Climate Change Conference (UNFCCC COP28), available at https://sdg.iisd.org/events/2023-un-climate-change-conference-unfccc-cop-28/.
[133] R. Sheldon, *The Child to Come: Life after the Human Catastophe* (2016).
[134] *Ibid.*, at 2.

narrative that subtends the trope of the child as the future, Sheldon takes us back to the 19th-century notion, on which I have already touched, that there exist homologies between evolutionary history and individual human development. As Sheldon tells it, this forged a link between the human species and the child that 'helped to shape eugenic historiography' and to '[focalize] reproduction as a matter of concern for racial nationalism'. The 'child came to summarize the deep biological past of the species'. But '[a]t the same time, the child's own reproductive potential subsumed her individual growth within the broader story of generational succession and lineage'.[135] That is to say, the child was assigned a symbolic place both in the past and in the future (as we have seen), and the future of the species – the future of human life on earth – became a matter of the future of the child.

Sheldon proposes that the concern here for the future of the child was, and is, a concern not so much for children in themselves as for their reproductive potential, their capacity to follow a life-script that includes eventually becoming parents. Drawing on the work of Lee Edelman, she highlights the 'reproductive futurism' involved in an approach to climate change which is framed in this way.[136] Edelman coined that phrase in his book *No Future* to refer to the idea that the only futures which children are permitted to have are those passed on to children of their own.[137] Other futures are removed from contemplation because 'the Child' – by which he means 'the image' of the child, as distinct from 'the lived experiences of any historical children' – 'has come to embody for us the telos of the social order, and [has] come to be seen as the one for whom that order is held in perpetual trust'. Edelman questions the implicit 'pronatalism' here, according to which there can be 'no future' if there is 'no baby'.[138] As he describes it, pro-natalism is a heteronormative ideology which rules out in advance the possibility of envisioning futurity other than with reference to reproduction.[139] Through the concept of reproductive futurism, Edelman exposes and challenges that ideology and its effect in making species survival the beginning and end of all considerations of, dispositions towards and relationships with the future. For Catriona Sandilands, the significance of this is to '[open] the world to a reading in which generativity is not reduced to reproductivity, in which the future is not limited to a repetition of a heteronormative ideal of the Same, and in which the heterosexual couple and its progeny… are not the privileged bearers of life for ecocriticism'.[140]

Such a radical reading contrasts sharply with the ideas about the family and the future that inform mainstream climate-change activism. Sheldon finds a neat example

[135] *Ibid.*, at 3.
[136] *Ibid.*, at 35–36.
[137] See L. Edelman, *No Future: Queer Theory and the Death Drive* (2004), at 19.
[138] *Ibid.*, at 11, 12–13.
[139] It is important to underline that Edelman is describing a heteronormative *ideology*. As such, it is unaffected by the obvious fact that same-sex couples and single people also produce children.
[140] Sandilands, 'Queer Life? Ecocriticism after the Fire', in G. Garrard (ed.), *The Oxford Handbook of Ecocriticism* (2013) 305, at 315.
[141] Sheldon, *supra* note 133, at 38; A. Gore, *An Inconvenient Truth: The Planetary Emergency of Global Warming and What We Can Do About It* (2006).
[142] Gore, *supra* note 141, at 6.

of how the heterosexual couple – and, more specifically, the white, well-off, heterosexual couple – and its progeny *are* represented as the privileged bearers of life in Al Gore's famous book *An Inconvenient Truth*.[141] At the beginning of the book is a photograph of Gore with his wife Tipper taken in 1973, one month before the birth of their first child, Karenna.[142] Seated together in a canoe on the Caney Fork River in Tennessee, the expectant couple incarnate the particular family future to which Gore implies 'our children' are entitled, and from the obliteration of which he urges the world must be saved, just as the scene of their day out on the river epitomizes the picturesque or 'landscapified' vision of nature by reference to which he insists on the inconvenient truth of climate change.[143] And if, as Sandilands suggests, this is a family future that delivers 'more of the same', we might circle back to the point mentioned by Humphreys that future generations are said to deserve a world as little altered as possible from the one present generations have known – as though existing levels of planetary decline and existing dimensions of social injustice should be the pinnacle of our aspiration. Edelman invites us to 'refuse… hope as affirmation',[144] and to resist the nostalgia that equates futurity with redemption, or 'getting back'. Sheldon, for her part, contests the reproductive-futurist foreclosure of mutation in reproduction, such that, after the problem of climate change has been 'fixed', after the crisis has been averted, what awaits the children to come and their planet can only be business as usual.[145]

In the introduction to *An Inconvenient Truth*, Gore traces the origin of his environmental activism to an accident in which his six-year-old son, Al III, sustained life-threatening injuries. He writes that '[d]uring that painful period I gained an ability I hadn't had before to feel the preciousness of our connection to our children and the solemnity of our obligation to safeguard their future and protect the Earth we are bequeathing to them'.[146] Reflecting on these themes of safeguarding, protection and bequest, and on the conjunction of parental obligation and environmental stewardship, Sarah Ensor highlights a more recent book by Sandra Steingraber, *Raising Elijah: Protecting Our Children in a Time of Environmental Crisis*.[147] Steingraber's central thesis is that 'the environmental crisis is a parenting crisis. It undermines my ability to carry out two fundamental duties: to protect my children from harm and to plan for their future'.[148] As Ensor characterizes it, Steingraber's response to this situation is to '[redouble] her efforts to quarantine her children' from the dangers and toxicities

[143] Rebekah Sheldon uses the term 'landscapification' in this context to highlight the idea of nature as a 'scenic background for human action'. Sheldon, *supra* note 133, at 38, 6–7.

[144] Edelman, *supra* note 137, at 4.

[145] See Sheldon, *supra* note 133, at 6 (arguing that 'the figuration of the child as the self-similar issue of the present, the safe space of human prosperity and a return to a manageable nature, forecloses the mutational in the reproductive').

[146] Gore, *supra* note 141, at 11, quoted in Sheldon, *supra* note 133, at 37.

[147] Ensor, 'Terminal Regions: Queer Ecocriticism at the End', in A. Hunt and S. Youngblood (eds), *Against Life* (2016) 41, at 53; S. Steingraber, *Raising Elijah: Protecting Our Children in a Time of Environmental Crisis* (2011).

[148] Steingraber, *supra* note 147, at 281.

[149] Ensor, *supra* note 147, at 53.

they face – to feed them organic food, to exclude all PVC plastic from their home and so on.[149] The point here is not just the implication that climate change is a kind of disease from the effects of which children must be shielded, as opposed to being the consequence of particular socio-historical arrangements for the organization of production. It is also the articulation of protection with what Jack Halberstam has called 'the time of inheritance' – another time-scale, or perhaps a sub-temporality of family-time, within which 'values, wealth, goods, and morals are passed through family ties from one generation to the next'.[150] In the time of inheritance, environmental protection becomes a matter of inheritance protection. It becomes a matter of seeing to your own interests and legacy if, and to the extent that, you have the privilege of doing so.

From this perspective, children's climate-change activism may be more promising than that of their parents or grandparents. Certainly, as Adeline Johns-Putra observes, the identification of environmental protection with parental care can tend in the direction of a narrow and self-interested survivalism – something that is reinforced by the apocalyptic tenor of much popular literature about climate change.[151] Yet the child who helps to do the saving, as much as the child who is to be saved, is still the child as the face of climate-change concern and the child as the beneficiary of climate-change action. That is to say, whether the claim is 'they are why we should worry and take decisive action' or whether it is 'we are why you should worry and take decisive action', the analyses put forward by Humphreys, Sheldon and the others to whose work I have referred still command our attention.[152] Harnessing climate-change action to the child as the symbol of future generations installs a false solidarity between the rich world and the poorer world. It displaces responsibility for harm already sustained in favour of responsibility for future harm. And for all its professed conscientiousness, it avoids the duty to deal with climate change insofar as it treats present harm as an insufficient motive for action. At the same time, it configures the relationship between the past, present and future on the basis of a pro-natalist and reproductive-futurist ideology which excludes the possibility of envisioning futurity outside procreation, and ironically reduces the importance of children's current lives in comparison with their potential one day to produce children of their own. Scrutinized in the light of Edelman's concept of reproductive futurism, the figure of the child as the future and that bogeywoman of the 'family values' camp, the 'childless cat lady',[153] are thus revealed as kin.

6 Conclusion

If the world is a family, I have prompted us to ask, what kind of family is it? One answer might be to say that it doesn't matter. Speaking of the world as a family is just a piece

[150] J. Halberstam, *In a Queer Time and Place: Transgender Bodies, Subcultural Lives* (2005), at 18.
[151] See Johns-Putra, *supra* note 126, at 534.
[152] I adapt here a formulation in Johns-Putra, *supra* note 126, at 523.
[153] See, e.g., 'J.D. Vance: The US Is Being Run by "Childless Cat Ladies"', *Fox News* (29 July 2021), available at www.foxnews.com/video/6265796735001.

of empty verbiage, a feel-good commonplace that should not be taken too seriously. But that answer cannot stand, since, commonplace or not, speaking of the world as a family has effects – and, moreover, those effects cannot be assumed themselves always to feel so good. In successive sections of this Foreword, we have seen how the representation of the world in familial terms has served to elide social divisions and the hierarchies they set in place. It has worked in tandem with the so-called civilizing mission to justify the subjugation, exploitation and ill-treatment of peoples. It has helped to depoliticize pressing global problems, and has rationalized salvationary, self-centred and prevaricative approaches to dealing with them. The representation of the world in familial terms has contributed to the social reproduction of class, as well as supporting white suprematism, patriarchal power and heteronormativity. In taking forward its abiding preoccupation with children, it has also buttressed parental authority and an ethos of reproductive futurism.

It is important to acknowledge that these things are not all that such language and the beliefs, arrangements and actions it fosters have done. Family discourse is also, of course, a venerable component of efforts to transform the *status quo*. I mentioned earlier the visit made by Edward Steichen's exhibition *The Family of Man* to Johannesburg in 1958, and I cited criticism of that leg of the show's tour by Allan Sekula, especially in view of Coca-Cola's sponsorship. As Tamar Garb discusses, however, an exhibition is not identical with the intentions and ambitions of either its curator or its sponsors, and in this case she shows that there is definitely another story to be told.[154] For '[a]nother powerful discourse on the family and on photography also existed in Johannesburg in the late winter of 1958, one that spoke to the particular crisis in family life and in human rights that the exhibition, for some, pointed to and exposed'. Garb recounts how the exhibition opened in the same week as Henrik Verwoerd (the 'father of apartheid', as he has been termed) was sworn in as Prime Minister; how the exhibition's humanist philosophy 'had particular resonance' against the backdrop of his commitment to the expansion and entrenchment of racial segregation and non-white disenfranchisement; how the organizers' insistence on accessibility to all led to an integrated audience of a kind which was then rare, and which lent the message of 'inclusion in a putative human family' considerable 'rhetorical force and visual eloquence'; and how the show was, in fact, 'marshaled to the defense of [the] antiapartheid position' by commentators and activists who welcomed it for proclaiming 'the brotherhood of man' in a manner directly counterposed to the advancing 'race prejudice and intolerance' of apartheid.[155]

In the United States, Patricia Hill Collins notes that the language of Black 'brothers' and 'sisters' has long been a feature of 'Black nationalist-influenced projects within African-American civil society', and continues to shape everyday African-American interactions. 'The Afrocentric yearning for a homeland for the Black racial family…

[154] Garb, *supra* note 69.
[155] *Ibid.*, at 43–44, 46, 50, 55, 45.
[156] Collins, 'It's All In the Family: Intersections of Gender, Race, and Nation', 13(3) *Hypatia* (1998) 62, at 77–78.
[157] P. Gilroy, *Small Acts: Thoughts on the Politics of Black Cultures* (1991), at 201.

speaks to the use of this construct', she remarks.[156] Paul Gilroy rehearses the emergence of the African-American discourse of 'racial siblinghood' out of the 'communitarian radicalism of the Church', and in an era when the family relationships of slaves were denied recognition.[157] He recalls that, in 1889, the Episcopalian pastor, liberation theologian and anti-slavery campaigner Alexander Crummell declared that 'a race *is* a family'.[158] At that time, and in later periods too, evocations of the Black family manifestly played a valuable and valued role in efforts to build a movement, hold the movement together and achieve its emancipatory goals. As if to underscore the relevance here of context, Gilroy nonetheless considers familial language deeply problematic today. It is what gets 'wheeled out to do the job of re-centring things every time… the spurious integrity of… essential racial cultures' is questioned, he writes. It 'abandons the world of public politics, and consequently has little to offer beleaguered black communities'. It underwrites an 'authoritarian, pastoral patriarchy' in which '[t]he family is the approved, natural site where ethnicity and racial culture are reproduced'. It allows 'conflict within and between our communities [to be] resolved through the mystic reconstruction of an ideal heterosexual family. This is the oldest conservative device in the book of modern culture'.[159]

Taking on board that, for worse, but also, at times, for better, the representation of the world as a family has effects, a more adequate answer to the question 'what kind of family is it?' needs to reckon with the ideas about the family which this metaphor mobilizes to its diverse purposes. As our investigation has ranged across epochs and locations, we have seen how family figurations in international discourse have picked out a variety of extant or idealized family types: the post-war American nuclear family; the Victorian family of long 19th-century England; the middle-class, millennial-parented nuclear family of Western societies in the current era. It scarcely needs stating that these family types correspond less to widespread actual practices of family life than to specific, hegemonic notions prevalent in those countries or regions at those historical junctures of what family life should be, what kind of family deserves accreditation as such. True to that ideological function, these family types have been naturalized as the self-evident, God-given, natural-necessity-decreed and hence incontestable version of the family. Yet contested they have assuredly and continuously been, and we have touched on the work of numerous authors who have pierced the complacent bubble in which this discourse has been encircled. Processes of naturalization often operate in concert with processes of sentimentalization, which confer on whatever is naturalized an affective and, indeed, enchanting appeal that endears it to us and makes us feel tenderly towards it. Thus, for example, Joan Scott has written of the sentimentalization of the 'nuclear family… as the repository of emotional gratification'.[160] I quoted earlier some passages from Roland Barthes's response to Steichen's exhibition. For Barthes, the metaphor of the

[158] A. Crummell, *The Race-Problem in America* (1889), at 10 (emphasis in original).
[159] Gilroy, *supra* note 157, at 195, 196, 197, 205.
[160] J. Scott, *Sex and Secularism* (2018), at 74.
[161] Barthes, *supra* note 66, at 122.

human family sentimentalized both the family and humanity in ways that had moralizing effects. '[W]e are held back at the surface of an identity', he declared, 'prevented precisely by sentimentality from penetrating into this ulterior zone of human behaviour where [the] historical alienation introduces… [what] we shall here quite simply call "injustices"'.[161]

As we have seen, representations of the world as a family do not constitute a uniform or invariant body of discourse. Rather, they take divergent forms as they move in different directions and intervene in different settings. That said, at least two elements seem stubbornly perdurable. I have mentioned the English saying that blood is thicker than water. According to Sophie Lewis, when you drill down, 'blood being thicker than water is always… [family-talk's] central referent and underlying metaphor'.[162] The first element is expressed in that proposition that blood ties – biological relationships of filiation, coupled with legal alliance by marriage – lie at the centre of familial figuration. To grasp the logic that underlies this, it is worthwhile to digress briefly to take in a salient finding from a study by Alison Bashford of two generations in the Huxley family.[163] Henry Huxley (1825–1895) worked to disseminate, apply and develop Darwin's theories. His grandson, Julian Huxley (1887–1975), became the first Director-General of UNESCO. Studying them as a pair, Bashford relates the story of the grandfather, a 'race bigot' whose commitment to monogenesis nonetheless made him 'more a theorist of biological human unity' – what he called 'the Man family' – than a 'theorist of… intra-human difference',[164] and the grandson, an anti-racist eugenicist under whose auspices UNESCO issued a Statement on Race which asserted the oneness, but also the cultural diversity, of what he took to be the 'human family'.[165] Bashford's insight is that the 'human family' of the younger Huxley rested on the 'Man family' of the earlier Huxley. It was the implication of Julian Huxley's humanism that only with the primordiality of biology 'acknowledged could [the culturally diverse human family] thrive'.[166]

Family abolition is, as Marx and Engels said, a difficult concept for even the most radical thinker to accept. In one sense, however, it can be understood simply as a call to challenge this idea that, together with legal ties in the shape of marriage, blood ties form the hinge or core of the (literal and metaphorical) family. Instead, we might remember that the family is a social institution, a set of 'enacted practices' or '[kinds] of doing', that extends far beyond the boundaries of any ideal-type constructed for it.[167] We might remember that the care, support, security and belonging identified with the benefits of the idealized family are found in a variety of relationships, settings and

[162] Lewis, *supra* note 39, at 84 (emphasis omitted).

[163] Bashford, 'The Family of Man: Cosmopolitanism and the Huxleys, 1850–1950', 12(1) *Humanity* (2021) 87; see also A. Bashford, *An Intimate History of Evolution: The Story of the Huxley Family* (2022).

[164] Bashford, 'Family of Man', *supra* note 163, at 91.

[165] See UNESCO, Statement on Race, July 1950, available at https://unesdoc.unesco.org/ark:/48223/pf0000122962.

[166] Bashford, 'Family of Man', *supra* note 163, at 94.

[167] Butler, 'Is Kinship Always Already Heterosexual?', 13(1) *differences* (2002) 14, at 34 (emphasis omitted) (also arguing, *inter alia*, that kinship is not an autonomous sphere, distinct from community, friendship and, indeed, the state).

[168] L. Benkov, *Reinventing the Family* (1994), at 7.

domestic arrangements, many of them involving people between whom there exists no biogenetic or formal-legal connection. We can use the label 'family' to cover these various affiliations or, as family abolitionists prefer, we can drop that label altogether as a sign that we renounce the 'fetishism of family' and the vision of how life should or must be which it has helped to sustain.[168] Equally, we can renew and repurpose other words. Jodi Dean has written about the concept of the comrade.[169] She explains that, etymologically, the word references the barracks shared by soldiers; comrade comes from the Latin *camera*, meaning room or vault – 'a structure that produces a particular space and holds it open'. In her account, comrades are those who tie themselves together in a relationship that is precisely not mediated by blood, marriage or property ownership (that is to say, inheritance). Inasmuch as they do so to pursue a common goal, the comrade is a 'figure for the political relation between those on the same side of a political struggle'.[170] Comradeship offers an enlarged and open-ended perspective on the possibilities of affiliation, but, to state the obvious, it excludes those on the other side(s).

In contrast, representations of the world as a family carry a message of all-inclusiveness. This is the second perdurable element I wish to flag up: as Bashford's tale of two Huxleys demonstrates yet again, the family is invoked to signal not just limited or contingent solidarity, but unity – the condition of being joined together to form a single whole. Despite the discord, alienation and loneliness, not to mention estrangement, which define much experience of family life, the oneness of the multitude is, it seems, what the user of familial metaphor (and metonymy – remember 'our children') intends to communicate. Here I do not need to digress to provide explication, as I already put this before you at the very beginning of this Foreword. *Vasudhaiva kutumbakam* – One Earth, One Family, One Future. Familial language has an important place in Indian political discourse,[171] and it is fascinating to consider the history of this particular invocation of the family, the use of which as India's G20 slogan came at a time when the Hindu nationalist 'brotherhood', the Rashtriya Swayamsevak Sangh, was the self-described 'parent' organization of India's ruling party. Brian Hatcher explains that the mantra's context is a gnomic verse which he translates as: 'The narrow-minded like to ask "Is this person one of us, or is he a stranger?" But to those of noble character the whole world is a family.'[172]While it is apparently not possible to say when that verse first appeared, Hatcher points to an early occurrence of it in the Sanskrit ethico-didactic story literature of the first millennium and first half of the second millennium CE.

The story in question, retold by him, concerns a jackal who was hungry and decided to kill a deer. The deer was friends with a crow, who looked out for it, so the jackal

169 J. Dean, *Comrade: An Essay on Political Belonging* (2019).

170 *Ibid.*, at 8, 9.

171 'Mother India' and '*Bapu* (father) Gandhi' are two well-known examples of it. See Jensenius, 'Kinship in Indian Politics', in K. Haugevik and I. Neumann (eds), *Kinship in International Relations* (2019) 138.

172 Hatcher, '"The Cosmos Is One Family" (Vasudhaiva Kutumbakam): Problematic Mantra of Hindu Humanism', 28(1) *Contributions to Indian Sociology* (1994) 149 (with thanks to Pratap Mehta for directing me to this article).

knew he could not catch the deer unawares. Ambling up to the deer and the crow, the jackal introduced himself as a lonely beast who wanted to be their friend. The crow was dubious. 'One should never take in strangers', he said, and, to illustrate his point, he related a story about a cat who saw some birds in a tree. As the cat drew close to the tree, he noticed that there was a vulture nearby. The vulture shouted: 'Get out of here, or I will surely kill you!' By telling a tall story about taking up the path of holiness and becoming a vegetarian, the cat managed to win over the vulture, who also then reassured the birds that the cat posed no threat to them. But no sooner had the birds come down to greet the cat than the cat ate them up and made his escape. 'So', said the crow, 'you see that we should be wary of inviting strangers to remain with us'. The jackal took great offence at this, and said: 'Listen my friend, you too were once a stranger to this deer. Now look at the two of you.' And in righteous indignation, the jackal recited the verse: 'The narrow-minded like to ask "Is this person one of us, or is he a stranger?" But to those of noble character the whole world is a family.' The crow was impressed by these honourable sentiments, and let the jackal stay with him and the deer. The jackal then waited for the right moment to kill the deer but, before he could do so, the crow realized the danger and rescued his friend, leaving the jackal to

[173] I partly quote and partly paraphrase Hatcher's retelling of this. See Hatcher, *supra* note 172, at 151–153.

[174] *Ibid.*, at 153. For another perspective on this mantra, see Kar, 'The Concept of Vasudhaiva Kutumbakam (The World Is a Family): Insights from the Mahopanisad', 49 *National Journal of Hindi and Sanksrit Research* (2023) 42 (arguing that '[a]pplying the concept of "Vasudhaiva Kutumbakam" in our daily lives can inspire us to break down barriers of prejudice and discrimination').

be killed by a farmer.[173] The key takeaway from this story for its reteller, and for us, is that the recitation of *vasudhaiva kutumbakam* was a cynical ploy based on a fraudulent wisdom. As Hatcher writes, the jackal was 'not out to revolutionise social relations'; he was not out to change a world that is not one family – '[a]ll he [wanted was] his meal'.[174]